

EXHIBIT A

IH-32

Rev: 2014-1

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

IN RE:
TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

Plaintiff
vs.
Defendant

Case Number

03 MDL 1570 (GBD) (SN)

This Related Case Statement Relates to
Individual Case: Havlish v. the Taliban, 03-cv-9848

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

RAYMOND ANTHONY SMITH, as
Administrator of the Estate of George Eric
Smith, deceased
Plaintiff,

Plaintiff
vs.
THE ISLAMIC EMIRATE OF AFGHANISTAN, et al. Defendants.
Defendant

Case Number

01-cv-10132-LAK

IH-32

Rev: 2014-1

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

The earlier filed case, brought by the Administrators of the Estates of, respectively, Smith and Soulas, is the first lawsuit involving the 9/11/2001 terrorist attacks that obtained a judgment against, among others, the Taliban. This judgment was entered on 14 July 2003. Pursuant to President Biden's 11 February 2022 Executive Order 14,064 relating to Taliban assets in the Federal Reserve Bank of New York (FRBNY), a Writ of Execution was filed and served on the FRBNY on 14 March 2022. This is the third in priority Writ of Execution behind the Havlish and Doe plaintiffs, which are proceeding in the later filed action. Presently pending before the Honorable Lewis A Kaplan is a Motion for Turnover of Assets held by the FRBNY from the Da Afghanistan Bank (DAB), which has approximately \$3.5 billion in available assets referenced in E.O. 14,064.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

The later filed case, In re Terrorist Attacks on September 11, 2001 is the multi district litigation (MDL) presently managing many plaintiffs similar to the Smith/Soulas plaintiffs, including the Havlish and Doe cases as it relates to the DAB assets at issue. Recently, the Honorable George B. Daniels stated at a 26 April 2022 hearing in the MDL the following:

On Page 3 of the transcript:

My intent is to resolve whatever issues need to be resolved in the current turnover proceedings. Anyone who believes they have any interest, who are a part of the MDL or not part of the MDL, in these funds, if they're not already here in this proceeding, should seek to intervene, because this is where we're going to decide this issue.

On Page 14-15 of the transcript:

You know we have a forum to resolve these issues. That is the only forum that exists to resolve these issues currently. If that changes, then we can address it. But I don't anticipate it's going to change, and I don't anticipate that Judge Caproni is going to take any action in that infant case to interfere with a determination that all of you are going to have an opportunity to participate in and will be resolved here and resolved with the availability and the distribution of those funds, if those funds are available to distribute to the parties.

On Page 39 of the transcript:

Remember, this is the forum that we're going to resolve these issues. That's the bottom line of this proceeding. We're going to resolve it here, not before Judge Caproni, not before some other judge in this court, not in some other duplicative proceeding that is to address the same issues that we are already addressing here. Regardless of what any party believes, it is a more efficient, effective and advantageous way for us to proceed.

See also MDL docket ECF 7900 (Judge Daniels' 21 April 2022 Order) which he wrote "The DAB assets are at issue in current turnover proceedings in the MDL." (ECF Nos. 7763, 7767, Case No. 03-md-1570.). In addition, most of the plaintiffs in the 9/11 MDL have entered into a Framework Agreement that will govern the distribution of the DAB assets. The Smith Plaintiffs will be parties to the Framework Agreement.

Therefore, it seems most efficient for the Smith case to be transferred to the MDL so consistent disposition of these matters may occur; Smith involves the same assets DAB assets at the FRBNY as identified by E.O. 14,064 at issue in the Havlish and Doe turnover proceedings, the same legal and factual issues, and the distribution of those assets pursuant to the Framework Agreement that most of the 9/11 Community has approved and which the Smith Plaintiffs intend to join.

Respectfully submitted,

Signature:



The Beasley Firm, LLC

Date: 3 June 2022

Firm: